IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 7567 of 2007(A)

PETITIONER:

R.CHANDRA BABU, LAKSHMI SHYLAM,
NARICKAL P.O., PUNALUR.

BY ADV. SRI.A.K.ALEX

RESPONDENTS:

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1. PUNALUR MUNCIPALITY REPRESENTED BY ITS SECRETARY, PUNALUR MUNICIPALITY, PUNALUR.

2. THE CHIEF TOWN PLANNER, TRIVANDRUM.

3. THE TOWN PLANNING OFFICER, PUNALUR MUNICIPALITY, PUNALUR.

4. STATE OF KERALA REPRESENTED BY SECRETARY, LOCAL ADMINISTRATION, SECRETARIAT, THIRUVANANTHAPURAM.

R2 TO R4 BY GOVT.PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.7567 OF 2007

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DATED THIS THE 7TH MARCH, 2007

J U D G M E N T

The petitioner was issued Ext.P4 show-cause notice directing him to show cause as to why the building permits which had been issued to him should not be cancelled since the area upon which the building is proposed to be constructed comes within the DTP Scheme. The petitioner's definite case is that the DTP Scheme does not apply to the area in question and he has filed Ext.P5 objections followed by Ext.P6 representation. Though he has prayed for a declaration that the building permits Exts.P1 to P3 are not liable to be cancelled, I am of the view that the issue should receive the attention of the Municipality first.

Accordingly I dispose of the Writ Petition directing the Municipality to take a decision on the issue covered by Ext.P4 in the light of Exts.P5 and P6, after hearing the petitioner. Decision as directed above will be taken by the Municipality at their earliest and at any rate within one month of receiving copy of this judgment. Till then no further action will be taken by the Municipality pursuant to Ext.P4 show-cause notice.

tgl **(PIUS C. KURIAKOSE, JUDGE)**